

**Olmstead Executive Committee Meeting**  
**Notes from May 20, 2015**  
**7:30 a.m. – 9:00 a.m.**

**Present:** Mary Tingerthal (MN Housing), Lucinda Jesson (DHS), Jeremy Hanson-Willis (DEED).

**Subcabinet:** Tom Roy (DOC), Kevin Lindsey (MDHR), Steve Dibbs (MDE), Roberta Opheim (OMHDD), and Colleen Wieck.

**Guests:** Joe Sathe (Governor's Office), Steve Wojta (member of public), Sheryll Mennicla (member of public), Anna McLafferty (DOC), Alex Bartolic (DHS), Ralph Browne (MMB), Daron Korte (MDE), Sue Mulvihill (MnDOT), David Sherwood-Gilbertson (DEED), Brownell Mack (DHS), Jennifer DeCubellis (DHS), Mary Kay Kennedy (ACT), Kristie Billiar (MnDOT), Rosalie Vollmar (DHS), Mike Tessneer (DHS), Beth Sullivan (DHS), Darlene Zangara (OIO), and Naomi Rettke (OIO).

**On Phone:** Robyn Widley (MDE), Stephanie Lenartz (MDH), Christina Schaffer (MDHR), and Manny Munson-Regala (MDH).

**Note taker:** Tristy Auger (OIO).

**I. Topic: Call to Order**  
**Action: N/A.**

The meeting was called to order at 7:30 a.m. on Wednesday, May 20, 2015, by Chairperson Mary Tingerthal.

**II. Topic: Roll Call to Establish Quorum**  
**Action: N/A.**

All members of the Executive Committee were present and a quorum was established.

**III. Topic: Welcome and Meeting Purpose**  
**Action: N/A.**

The Olmstead Executive Committee was established in addition to the subcabinet procedures and includes Commissioner Mary Tingerthal, Chair of the Subcabinet; Commissioner Lucinda Jesson, Department of Human Services; and Deputy Commissioner Jeremy Hanson-Willis, Department of Employment and Economic Development.

The purpose of the meeting is to discuss the order from Judge Frank, requiring submission of a revised Olmstead plan by July 10, 2015, and propose how to proceed with those revisions.

- IV. Topic: Review and Approval of Agenda**  
**Action: Approved – Lucinda Jesson. Second – Jeremy Hanson-Willis.**  
**Favor - All.**

The May 20, 2015 meeting agenda was approved and accepted with no changes.

- V. Topic: Review of Legal Framework for Plan Revision**  
**Action: N/A.**

Beth Sullivan, Attorney with the Department of Human Services, reviewed legal framework for the approach to the plan revisions.

Ms. Sullivan explained the source of the federal courts involvement in Minnesota's Olmstead Plan comes from a settlement agreement in Jensen versus DHS, and states that the State and the department shall develop and implement a comprehensive plan using measurable goals to increase the number of people with disabilities receiving treatment that best meets their individual needs, in the most integrated settings. Olmstead is a 1999 U.S. Supreme Court decision that states it is unlawful discrimination to unnecessarily segregate people with disabilities who should be provided services in community-based settings under three conditions:

1. Where the provision of such services are appropriate.
2. Where the person does not oppose receiving services in a community-based setting with an affirmative and informed choice to receive those services.
3. Where community-based services can be reasonably accommodated given the public entity's resources and the obligation to other people with disabilities.

In order to meet these obligations, the court stated the public entity must have a comprehensive and effectively working plan to increase the number of people with disabilities that are receiving services in community-based settings.

Shortly after the settlement agreement was signed, the Department of Justice (DOJ) issued a guideline how it would enforce actions under the ADA and the Supreme Court's decision in Olmstead. One part of guideline dealt with what the DOJ believes should be included in the plan. This section of the guideline was provided in a handout. These guidelines are what the Court has drawn on in its orders regarding the MN Olmstead Plan. The court has twice approved provisional changes to the plan and required revisions. The court has recently declined to approve the plan for a third time stating it lacks measurable goals with reasonable and specific time frames; and the goals are not concrete, realistic, strategic or timely.

**VI. Topic: Approval of Olmstead Plan Revision Checklist.**  
**Action: Approved – Lucinda Jesson. Second – Jeremy Hanson-Willis.**  
**Favor - All.**

The Executive Committee discussed a checklist applying the legal framework from the Jensen settlement, Olmstead decision, Olmstead settlement agreement, DOJ guideline, and several court orders. The checklist was compiled to provide a comprehensive criteria checklist to narrow the focus of the plan specifically to outcomes impacting people and help evaluate proposed plan revisions.

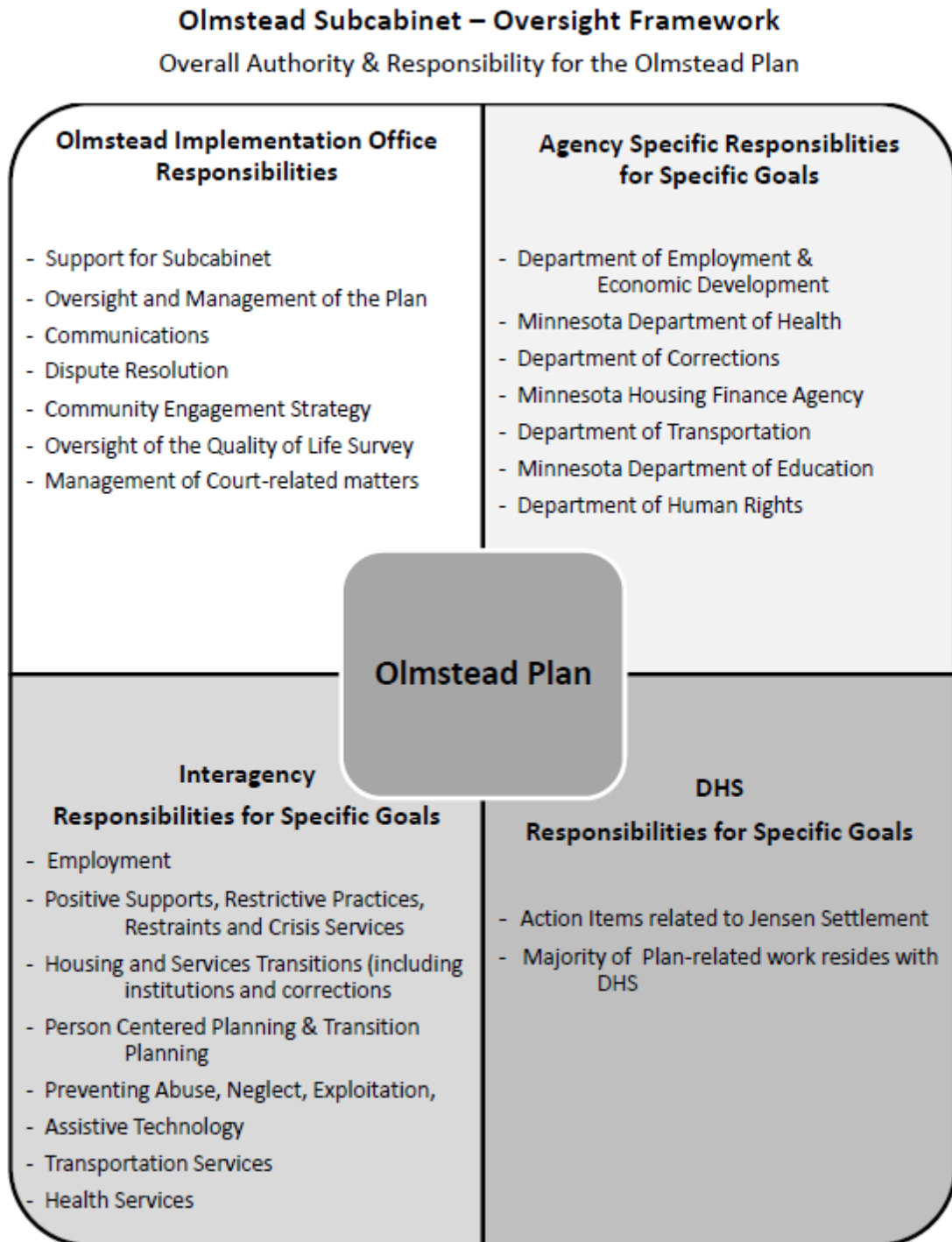
The plan also requires measurable goals with baselines that are specific, concrete, reliable and realistic. The court requires identification of a responsible person (agency leads) for each measurable goal and the DOJ guideline requests the plan identify funding responsibilities including any reallocation of resources.

The plan in its current form does not align with the court's expectations and need to be separated. Work plans association with getting to the necessary measurable outcomes will be very important. The criteria checklist will help agencies separate the measurable goals from segregated to integrated settings and align the plan with the court's expectations.

The Olmstead Plan Revision Checklist was approved and accepted with no changes.  
Approved- Lucinda Jesson. Second – Jeremy Hanson-Willis. Favor – All.

**VII. Topic: Review of Olmstead Subcabinet Oversight Framework**  
**Action: N/A.**

The Executive Committee reviewed and discussed the Olmstead Subcabinet Oversight Framework handout:



Chair Tingerthal announced several operational updates including the hire of Tristy Auger, as Executive Assistant to the Olmstead Implementation Office (OIO). The OIO office has moved to an ADA compliant space on second floor of Minnesota Housing. An interagency agreement will be signed with DEED for various historical reasons and for administration of OIO appropriated dollars. Finally, an interagency agreement will be executed with Minnesota Housing and the Department of Human Services to allow Rosalie Vollmar (Compliance), Mike Tessneer (Compliance), and Naomi Rettke's (Communications) services.

**VIII. Topic: Approval of Interagency Topic Areas and Exec Sponsor Assignments**  
**Action: N/A.**

The Executive Committee walked through a suggested list of interagency topic areas, approved the list, and assigned tentative executive sponsors.

**Interagency Responsibilities for Topic Areas**

<b>Topic Area</b>	<b>Executive Sponsor</b>	<b>Agency Staff Lead(s)</b>
1. Employment	DEED/DHS	DEED,DHS,MDE
2. Positive Supports, Restrictive Practices and Crisis Services	DHS – Jennifer DeCubellis	DHS, MDE, MDH
3. Housing and Services Transitions (including institutions and corrections)	DHS – Jennifer DeCubellis	DHS, DOC, MHFA
4. Person Centered Planning and Transition Planning	DHS – Jennifer DeCubellis	DEED,DHS,MDE
5. Preventing Abuse, Neglect, Exploitation	MDH	DHS, MDE, MDH
6. Assistive Technology	ADM- Laurie Beyer-Kropuenske	All
7. Transportation Services	DOT – Sue Mulvihill	DEED, DHS, DOT, MetCouncil
8. Health Services	MDH	DHS, MDH
9. To be determined (including waitlist and community engagement)		

**IX. Topic: Review of Draft Charter Template**  
**Action: N/A.**

The Executive Committee reviewed a draft charter template and encouraged agency leads to use it over the next few weeks to keep workgroups focused and consistent.

**X. Topic: Review of Draft Work Plan Template**  
**Action: N/A.**

The Executive Committee reviewed the draft July 2015 Olmstead Work Plan template and encouraged agency leads to use it over the next few weeks to keep workgroups focused and consistent.

**XI. Topic: Adjourn**  
**Action: Approved – Jeremy Hanson-Willis. Second – Lucinda Jesson.**  
**Favor - All.**

The Executive Committee meeting was adjourned at 9:03 a.m.

Next Executive Committee Meeting: Before June 8, 2015